

LISTING OF CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently amended) A method of producing a plant cell that is resistant to gall disease, the method comprising transforming a plant cell with a nucleic acid molecule ~~that is at least 90% homologous to~~ having a sequence as set forth in residues 1 through 1801 of SEQ ID NO: 10, but wherein the nucleic acid molecule comprises a stop sequence at a third codon and a deletion of the two bases following the third codon ~~a gene responsible for causing gall disease, and~~ wherein the nucleic acid molecule encodes ~~an untranslatable plus sense RNA molecule, a double-stranded RNA molecule, or an untranslatable double stranded RNA molecule, wherein the RNA molecule is at least 700 base pairs in length and comprises at least one stop sequence, and wherein the gene comprises a nucleic acid sequence as set forth as~~ SEQ ID NO: 10, thereby producing a plant cell that is resistant to gall disease.

2. (Cancelled)

3. (Previously amended) A plant-transformation vector, comprising the nucleic acid molecule of claim 1.

4. (Original) A plant cell transformed with the plant-transformation vector of claim 3.

5. (Original) A differentiated plant, comprising plant cells produced according to the method of claim 1.

6. (Currently amended) A method of producing a plant resistant to gall disease caused by *Agrobacterium*, comprising:

transforming at least one plant cell with ~~at least one~~ a nucleic acid molecule that is at least 90% homologous to having a sequence as set forth in residues 1 through 1801 of SEQ ID NO: 10, but wherein the nucleic acid molecule comprises a stop sequence at a third codon and a deletion of the two bases following the third codon ~~a gene responsible for causing gall disease, and~~ wherein the

nucleic acid molecule encodes an ~~untranslatable plus-sense RNA molecule, a double-stranded RNA molecule, or an untranslatable double-stranded RNA molecule, wherein the RNA molecule is at least 700 base pairs in length and comprises at least one stop sequence, and wherein the gene comprises a nucleic acid sequence as set forth as SEQ ID NO: 10;~~

growing at least one plant from at least one transformed plant cell; and
selecting a plant that shows a reduced susceptibility to gall disease caused by *Agrobacterium*, thereby producing a plant resistant to gall disease caused by *Agrobacterium*.

7. (Previously amended) A plant resistant to gall disease caused by *Agrobacterium*, produced by the method of claim 6.

8. (Original) A chimeric plant, comprising at least one non-transformed plant cell grafted to the plant of claim 7.

9. (Previously amended) A plant resistant to gall disease produced by sexual or asexual reproduction of the plant of claim 7.

10. (Previously amended) A seed produced by selfing or outcrossing the plant of claim 7, wherein the seed comprises the nucleic acid molecule used to transform the plant cell.

11. (Currently amended) A recombinant nucleic acid molecule comprising a nucleic acid sequence as set forth in residues 1 through 1801 of SEQ ID NO: 10, having at least 90% sequence identity with ~~but wherein the nucleic acid sequence comprises a stop sequence at a third codon and a deletion of two bases following the third codon—a gene responsible for causing gall disease, and wherein the gene comprises a nucleic acid sequence as set forth as SEQ ID NO: 10, wherein the nucleic acid sequence encodes an untranslatable plus-sense RNA molecule, a double-stranded RNA molecule, or an untranslatable double-stranded RNA molecule, wherein the RNA molecule is at least 700 base pairs in length and comprises at least one stop sequence, and wherein the recombinant nucleic acid molecule, when introduced into and transcribed in a plant, makes the plant resistant to gall disease.~~

12. (Original) A vector, comprising the recombinant nucleic acid molecule of claim 11.

13. (Original) A transgenic plant cell transformed with the vector of claim 12.

14. (Original) A transgenic plant, comprising at least one transgenic cell transformed with a recombinant nucleic acid molecule, as recited in claim 13.

15. (Original) The transgenic plant of claim 14, wherein the plant is selected from the group consisting of apricot, blackberry, pear, peach, plum, blueberry, cherry, kiwi, quince, raspberry, and rose.

16. (Original) A chimeric plant, comprising at least one transgenic plant cell as recited in claim 13.

17. – 24. (Cancelled)

25. (Original) The transgenic plant of claim 14, wherein the plant is chrysanthemum.

26. (Original) The transgenic plant of claim 14, wherein the plant is selected from the group consisting of conifers and poplars.

27. (Original) The transgenic plant of claim 14, wherein the plant is an ornamental shrub.

28. (Original) The transgenic plant of claim 14, wherein the plant is selected from the group consisting of almond, apple, grape, and walnut.

29. – 48. (Cancelled)

49. (New) The recombinant nucleic acid molecule of claim 11, wherein the nucleic acid

TMH/AC:kam 6/3/03 188464
PATENT

Attorney Reference Number 245-53722
Application Number 09/434,837

sequence is operably linked 5-prime to a 35S CaMV promoter and 3-prime to a NOS promoter.